

### Remarks

The above-referenced application has been reviewed in light of the Examiner's Office Action dated December 12, 2005. Claims 14 and 20 have been canceled, and Claims 1, 5, 12, 15, 17, 18, 21 and 23 have been amended. Accordingly, Claims 1-13, 15-19 and 20-23 are currently pending in this application. The Examiner's reconsideration of the rejections is respectfully requested, particularly in view of the above amendments and the following remarks.

In accordance with the Office Action, the informal drawings drew objections for lack of compliance with 37 CFR 1.121(d), such that they were not legibly scanable. Formal drawings are enclosed herewith, in full compliance with 37 CFR 1.121(d).

In accordance with the Office Action, Claims 1, 3-5 and 7-23 stand rejected under 35 USC § 112, first paragraph, for their broad recitation of "electromagnetic-ray". The Examiner has indicated that the term "electromagnetic-ray" might be interpreted to cover any wavelength in the entire electromagnetic spectrum, including rays with wavelengths significantly longer than visual light such as microwaves and radio waves.

The specification as originally filed set forth embodiments using electromagnetic-rays with wavelengths shorter than the excitation light, where the exemplary electromagnetic-rays included X-rays and/or Gamma-rays, and the exemplary excitation light included optical, fluorescent, coherent, infrared, diffusive

and/or transmissive light. Accordingly, Claims 1, 5, 12 and 18 have been amended. Each of amended Claims 1, 5, 12 and 18 recites, “the electromagnetic-ray wavelength is shorter than the wavelength of the light”.

In accordance with the Office Action, Claims 5-9, 11-16 and 18-22 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,731,718 to Ogura et al. Claims 14 and 20 have been canceled, and Claims 5, 12 and 18 have been amended. Additional support for the amendments may be found in the specification as originally filed (*see, e.g.*, Application at page 9, lines 14-21). No new matter has been added.

The '718 to Ogura is generally directed towards a radiographic apparatus with distance indication and/or optical field-of-view determination (*see, e.g.*, Ogura at col. 2, lines 41-59; col. 8, lines 10-32). The distance and/or field-of-view are determined manually in advance of radiography. There is no inherent co-registration of the multi-modal images themselves.

Amended Claim 5 recites, *inter alia*, “illuminating a target point with excitation light by capturing electromagnetic-ray image data of a scene, identifying electromagnetic-ray image data associated with the target point, and projecting a beam of excitation light responsive to the electromagnetic-ray image data at the target point”. Thus, where Ogura may use visible light in advance of radiography, amended Claim 5 sets forth using the radiographic image to redirect the light.

Accordingly, amended Claim 5 is neither taught nor suggested by the '718. Similarly, amended Claims 12 and 18, which each recite similar features, are

neither taught nor suggested by Ogura. Thus, amended Claims 5, 12 and 18 are neither taught nor suggested by the '718 to Ogura et al.

In accordance with the Office Action, Claims 12-14, 16, 18-20 and 22 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,229,873 to Bani-Hashemi et al. As discussed above with respect to the rejection based on Ogura, Claims 14 and 20 have been canceled, and Claims 12 and 18 have been amended.

Amended Claims 12 and 18 each recite, *inter alia*, “providing excitation light to the target relative to the frame of reference by capturing electromagnetic-ray image data, identifying electromagnetic-ray image data associated with the target, and projecting a beam of excitation light responsive to the electromagnetic-ray image data at the target”.

The '873 to Bani-Hashemi is generally directed towards superimposing X-ray and video images (see Bani-Hashemi at Abstract). The light source of Bani-Hashemi is merely the ambient room light in the examination room. Thus, Bani-Hashemi et al. fail to teach or suggest, “projecting a beam of excitation light responsive to the electromagnetic-ray image data” as recited in amended Claims 12 and 18.

In accordance with the Office Action, Claims 5-7, 9, 10, 15 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the '873 to Bani-Hashemi et al. in view of United States Patent No. 2,474,421 to Hollstein. As discussed above with respect to the Ogura and/or Bani-Hashemi based rejections,

Claims 14 and 20 have been canceled, and Claims 5, 12 and 18 have been amended.

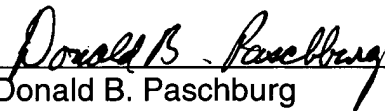
The '421 to Hollstein is generally directed towards X-ray equipment with a mirror for illuminating a target area with redirected light. Unfortunately, Hollstein fails to cure the deficiencies of Bani-Hashemi et al., particularly with respect to "projecting a beam of excitation light responsive to the electromagnetic-ray image data" as recited in each of amended Claims 5, 12 and 18. Accordingly, amended Claims 5, 12 and 18 are neither taught nor suggested by the '873 to Bani-Hashemi et al. in view of the '421 to Hollstein, whether taken alone or in combination with any of the other references of record in this case.

In accordance with the Office Action, Claims 1, 2, 17 and 23 were indicated as comprising allowable subject matter. The Examiner's indication of allowable subject matter is gratefully acknowledged. Accordingly, Claim 1 has been amended to overcome the § 112 rejection, and Claims 17 and 23 have been represented in independent form.

Conclusion:

Therefore, it is respectfully submitted that amended independent Claims 1, 5, 12, 17, 18 and 23 are in condition for allowance for at least the reasons stated above. Since the dependent Claims 2-4, 6-11, 13, 15-16, 19, and 21-22 each depend from one of the above claims and necessarily include each of the elements and limitations thereof, it is respectfully submitted that these claims are also in condition for allowance for at least the reasons stated, as well as for reciting additional patentable subject matter. Thus, each of Claims 1-13, 15-19 and 20-23 is in condition for allowance. All issues raised by the Examiner having been addressed, reconsideration of the rejections and an early and favorable allowance of this case are earnestly solicited.

Respectfully submitted,

  
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In the Drawings:

Please substitute the enclosed formal drawing sheets for the informal drawing sheets currently of record.